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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

MARTIN SUAREZ,

Defendant and Appellant.

2d Crim. No. B219297  
(Super. Ct. No. 2009011961, 2009001730,  
2008005597)  
(Ventura County)

Martin Suarez appeals from the judgment entered following his guilty plea to eight counts of grand theft and one count of non-sufficient funds in three consolidated cases. He admitted committing five of the offenses while released on bail.

In case No. 2009011961, appellant entered a guilty plea to three counts of grand theft of personal property in excess of \$400. (Pen. Code, § 487, subd. (a).) <sup>1</sup> He pleaded guilty to four charges of grand theft and one non-sufficient funds charge in case No. 2009001730. (§§ 487, subd. (a), 476a, subd.

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<sup>1</sup> All further statutory references are to the Penal Code.

(a.) In case No. 2008005597, appellant entered a guilty plea to one count of grand theft. (§ 487, subd. (a).)

The court selected a single theft count (count 5, case No. 2009011961) as the principal term and imposed two years. It ran the remaining seven theft counts in three cases as subordinate terms of eight months each (counts 7 & 8, case No. 2009011961; counts 3, 7, 14 & 16, case No. 2009001730; count 1, case No. 2008005597). Eight months were imposed on the single non-sufficient funds count (count 1, case No. 2009001730). The court struck the out-on-bail enhancements. (§ 12022.1, subd. (b).) The aggregate term imposed for all three cases was seven years and four months in state prison. (§ 1170.1, subd. (d).)

Appellant's theft convictions arose from transactions in which he represented to individuals that he would purchase a car on their behalf. He accepted their money without delivering the car. Sometimes he would return the victim's money by a check drawn on an account with insufficient funds. Appellant admitted taking over \$90,000 from his victims, which he used to support his gambling addiction. The charging documents for the three cases listed a total of 19 victims, with offenses spanning 2005 through 2009.

The trial court found a factual basis for the plea and noted that appellant lacked a significant criminal record. It declined to grant probation due to the large dollar amount of the losses, the numerous victims and because appellant continued to defraud victims while already charged with other theft offenses.

We appointed counsel to represent appellant in this appeal. After reviewing the record, counsel filed an opening brief raising no issues and requesting this court to independently examine the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436.

On February 1, 2010, we advised appellant that he had 30 days in which to submit a written brief or letter stating any contentions or arguments he wished us to consider. We have received no response from him.

We have examined the entire record and are satisfied that appellant's attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Wende, supra*, 25 Cal.3d at p. 441.)

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED.

COFFEE, J.

We concur:

GILBERT, P.J.

PERREN, J.

Bruce A. Young, Judge  
Superior Court County of Ventura

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Miriam R. Arichea, under appointment by the Court of Appeal, for  
Defendant and Appellant.

No appearance for Plaintiff and Respondent.